

The Examining Authority's Agenda Questions June Hearings

Hearing 4

Item 3 Right Turn facilities,

DCiC is naturally keen to ensure the free movement of traffic on our network and sees no reason to question the applicant's conclusions in terms of traffic generation and queue lengths. DCiC is happy to work with the applicant through their detailed design stage to refine the details.

Hearing 6

Item 3 the Royal Derby Hospital

The ExA asked a specific question about the routes for emergency vehicles, which the Royal Derby Hospital highlighted was a question for the East Midlands Ambulance Service. Again, DCiC was also asked their opinion. DCiC is not in a position to comment on the requirements of the Ambulance Service. However, the HE highlighted that they were consulted on the scheme and the TMP, and that their response has been included in the Consultation Report. The East Midlands Ambulance Service should be included as a specific consultee to the TMP, although the document identifies emergency services as a general group to be consulted.

The ExA also asked DCiC about delays and congestion during the construction works and impacts on the local network around the Derby Royal Hospital.

The applicant has developed a staged programme and TMP using strategic modelling to try to limit and mitigate the impacts of their construction of the A38 Derby Junctions Scheme. The philosophy of maintaining two lanes on the A38(T) during the construction to keep the traffic on the A38(T) is logical. Further, completing the Kingsway Scheme and opening it to traffic early on in the construction programme will give some certainty to the operation of the network around the Hospital. The applicant has also agreed to refine the TMP based on more detailed junction modelling of the temporary traffic management signals. At this stage, this is as much as can be expected of the applicant.

However, it is difficult to predict with certainty driver behaviour and their route choice, particularly in a large urban area. As such, there are likely to be delays and problems that occur as a result of construction, which aren't predicted in the analysis prepared by the applicant. As such, DCiC has always placed emphasis on the importance of the TMP to be able to adapt to problems and the relationship that partners and stakeholders have with the contractor/HE. DCiC is satisfied that there are mechanisms included in the TMP that ensure there is communication and flexibility to deal with problems.

Effects on the McDonald's and Euro Garages sites

The Inspector asked that the applicant, Euro Garages/McDonald's and DCiC to provide a written statement.

DCiC's interest in the access arrangement is concerned with the capacity and operation of the proposed traffic signals that also provide access to Markeaton Park, and that vehicles can safely exit off the local highway into the Esso and McDonald's site.

Derby City Council has previously stated that it is satisfied with the principle of the signal junction. It has made comments to the applicant that some changes are needed to improve safety and the operation of the proposed signals, including the main Markeaton Junction. As such, the applicant has responded that there is a workable solution and that this can be dealt with at the detailed design stage, which DCiC accept.

In terms of the specific access on Ashbourne Road the signals will control the movement of vehicles into and out of the Esso Garage/Mc Donald's site. From the preliminary designs provided by the applicant, DCiC is satisfied that an articulated HGV can physically turn at 10 kph into the site off the highway. The access layout is not ideal in terms of geometry and the provision for pedestrians crossing it, however, the general layout is no worse than the existing situation.

It is for the third party landowners to assess, and agree with the applicant, how any changes to the junction access safely integrates into their site and whether any changes are required to their layout. However, such detail has not been finalised at this stage.

The junction scheme is subject to further detailed design and a Road Safety Audit.

Hearing 7

Item 3 Landscape and visual impact

Following discussions with the applicant DCiC is now more reassured regarding the veteran tree. The easy option would be to seek its removal however changes to the OEMP indicate the applicant's willingness to try to retain the tree in a viable state. Equally DCiC has comfort that compliance with the OEMP is a DCO requirement. DCiC remains firm that all this focus and effort regarding the tree is preferable to further impacting on Markeaton Park and its associated tree and habitat loss.

Hearing 8

Item 3 Air Quality

DCiC agrees that moving footpaths away from the A38 carriageway would have the effect of resolving any concerns in relation to potential exceedances of the EU Limit Value for nitrogen dioxide (NO₂) along the A38 during construction. DCiC's position is that this should only be done where suitable alternatives are first secured, so that active travel choices can be maintained. This is because the closure/removal of a footpath would be counter-intuitive

where AQ improvements are concerned, given a footpath's potential to reduce road vehicle trips. In addition, alternative footpath routes should be secured prior to the commencement of the main carriageway construction phase in 2021, wherever practical and feasible. DCiC notes that the OEMP changes reflect this and that discussions will be held during the detailed design stage with DCiC. In principle the diversion routes most recently suggested by the applicant could be acceptable but more detail and recognition of /provision of suitable facilities for, for instance, cyclists is needed alongside wider consultation. It is noteworthy that Derby Cycling Group are an active member of the Behavioural Change working group led by HE.

DCiC notes the concerns raised by the speaker on behalf of Extinction Rebellion with respect to recent evidence which suggests a possible relationship between poor air quality and Covid-19 infection rates and/or severity. Research on this is obviously at an early stage, so it is hard to draw any confident conclusions.

There is no current requirement that DCiC is aware of within the relevant planning policy to model or mitigate against this potential risk, however, it is reassuring to know that the proposal to move receptors (i.e. footpaths) further away from the A38 would assist in addressing these concerns during the construction phases of the A38 scheme. It is also worth noting that the CEMP is still yet to be defined in detail and therefore this is a consideration that could be included within the detailed design as further evidence becomes available.

Climate change

Local cycling and walking would still take place with this scheme in place. It is a strategic national road solution offering a direct route for through traffic to avoid congestion in Derby. DCiC welcomes this. Active travel is a local initiative that is being pursued by DCiC at a local level within the City.

Carbon Footprints

When asked by the ExA 'Should carbon footprint targets be set in the OEMP to ensure that best practice is followed?' DCiC felt that this would make good practice for such a large scheme as this.

However, after further consideration DCiC has come to the conclusion that it would not be a reasonable approach to set specific Carbon targets.

DCiC acknowledge that this topic is an emerging field where there might not be established principles in such schemes, but climate change needs to start somewhere and where better than this strategic national infrastructure scheme. DCiC has discussed this point with the applicant and notes that the applicant is proposing to add the following text to the OEMP commitments – "*Energy consumption and materials use will be recorded and reported on an ongoing basis during the construction phase of the Scheme using Highways England Carbon*

Reporting Tool. As part of this reporting process, the contractor will reduce their construction phase GHG emissions to be below the levels as reported in ES Chapter 14: Climate”.

The suggested OEMP change thus commits the contractor to GHG emissions being less than those as detailed in the Environmental Statement. DCiC confirms that this appears to be an appropriate way forward that will ensure that the Scheme’s GHG footprint is appropriately managed and is not unnecessarily high as required by the NPSNN.

Hearing 9

Item 3

- a) DCiC is now content that the OEMP indicates a clear responsibility on HE to ensure that the Kingsway junction flood storage areas are appropriately maintained.
- b) DCiC is now content that there is a clear responsibility for HE to agree with the relevant local authority how the works will be maintained and by whom.
- c) DCiC is now content that our concerns given in [REP9-030, item 1.4c] [REP12- 019, item 1.2] have now been adequately addressed.

Article 40 – Trees subject to tree preservation orders

DCiC response is produced above under Hearing 7 and confirms it is content.